

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CRYSTAL BYRD and BRIAN BYRD,
Individually and on Behalf of all Similarly
Situated Persons,

Plaintiffs,

vs.

AARON'S, INC., ARONA
CORPORATION, INC., d/b/a Aaron's Sales
and Leasing, a franchisee of AARON'S, INC.;
JOHN DOES (1-45) AARON'S
FRANCHISEES; and DESIGNERWARE,
LLC,

Defendants.

Civil No. 1:11-cv-00101-SJM-SPB

DEFENDANT ARONA CORP.'S
MOTION TO DISMISS THE THIRD
AMENDED COMPLAINT

COMES NOW the Defendant, Arona Corporation ("Arona"), by and through undersigned counsel and pursuant to Fed. R. Civ. P. 12(b)(1), 12(b)(2) and 12(b)(6), hereby moves this Court to dismiss Plaintiffs' Third Amended Complaint.

1. Plaintiffs lack standing under Article III to sue Defendant Arona before this Court. Therefore, pursuant to Fed. R. Civ. P. 12(b)(1) and the authorities thereunder, the claims against Arona in Plaintiffs' Third Amended Complaint must be dismissed.

2. Moreover, this Court does not have personal jurisdiction over Defendant Arona. Accordingly, pursuant to Fed. R. Civ. P. 12(b)(2) and the authorities thereunder, Plaintiffs' claims against Arona in the Third Amended Complaint must be dismissed.

3. Finally, the claims against Arona in Plaintiffs' Third Amended Complaint fail to state a claim upon which relief may be granted. Pursuant to Fed. R. Civ. P. 12(b)(6) and the authorities thereunder, the claims must be dismissed.

4. The argument and authorities supporting this Motion are set forth in Defendant Arona Corp.'s Brief in Support of Motion to Dismiss The Third Amended Complaint, which is attached hereto and incorporated herein.

WHEREFORE, for the reasons set forth herein, Arona respectfully requests that it be dismissed from this matter for lack of standing, lack of personal jurisdiction, and/or failure to state a claim against it, and for such other relief as the Court deems just and proper.

DELL, MOSER, LANE & LOUGHNEY, LLC

By: s/ Donald McCormick

Donald McCormick
Two Chatham Center, Suite 1500
112 Washington Place
Pittsburgh, PA 15219
Tel: (412) 471-1180
Fax: (412) 471-9012
Email: djm@dellmoser.com

ATTORNEYS FOR DEFENDANT ARONA
CORPORATION

CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of July, 2013, a copy of the foregoing **Defendant Arona Corp.'s, Motion to Dismiss the Third Amended Complaint** was electronically filed with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all filing users listed on the Court's docket in this action.

I also certify that on this 29th day of July, 2013, a copy of the foregoing **Defendant Arona Corp.'s Motion to Dismiss the Third Amended Complaint** was sent by first class U. S. Mail, postage prepaid to the following:

James A. McGovern, Esquire
Marshall Dennehey Warner Coleman & Goggin
600 Grant Street, Suite 2900
Pittsburgh, PA 15219

Glen A. Witham
50180
Bolduc Correctional Facility
516 Cushing Road
Warren, ME 04864-4600

s/ Donald J. McCormick
Donald J. McCormick, Esquire
PA ID No. 19850
DELL, MOSER, LANE & LOUGHNEY, LLC
Two Chatham Center, Suite 1500
112 Washington Place
Pittsburgh, PA 15219
Phone: 412-471-1180
Fax: 412-471-9012
Email: djm@dellmoser.com
Counsel for Arona Corporation